

**REMARKS**

By this amendment, claims 1-2, have been amended. No new claims have been added, and no claims have been deleted. Therefore, claims 1-2 are currently pending

1. Response to Claim Objections under 35 USC § 102

Claims 1-2 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mogul et al (U.S. Patent No. 6,243,761). The Office Action states that with regard to claim 1, Mogul teaches a method for sending and receiving multimedia transmissions between two or more clients by measuring a maximum bandwidth value on a connection between a client and a server; transmitting multimedia data at or below the maximum bandwidth value from the server to the first client, tracking a latency value for the transmitting of the multimedia data form the server to the first client, and adjusting the maximum bandwidth value based on the latency value.

Mogul is directed to a method of dynamically adjusting multimedia content of a web page to suit the network path characteristics between a web client and web server computer. The web page data transmitted between the server and client computers in Mogul comprises graphic data in content rich data files that can include plain text, colored graphic images, moving video, and audio. (Mogul, Col. 5, lines 8-11). The Mogul system allows the server to automatically adjust the content and presentation of web pages to the currently available bandwidth of the communication path between the server and client. In Mogul, this is accomplished by reducing the resolution of the images on the web page, such as by using fewer pixels, reducing the image size or field of view, or applying a filtering function to the images. (Mogul, Col. 7, lines 34-37).

For video or audio data, the content adjustment can be accomplished by varying the frame or sampling rate, or employing compression techniques. (Mogul, Col. 8, lines 5-20).

By this Amendment and Response, claim 1 has been amended to recite a method for transmitting multimedia content comprising audio and video data between a server and client computer by measuring a maximum bandwidth value on a connection between a client and a server, separating the multimedia data into audio media blocks and video media blocks, determining the optimal packet size and optimal packet interval for packets, transmitting the content using the optimal packet size and interval, and adjusting the maximum bandwidth value based on the latency value by first transmitting only audio media blocks if the maximum bandwidth value is less than the latency value, and then transmitting a number of video media blocks if the adjusted maximum bandwidth level is greater than the latency value when only audio media blocks are transmitted.

Mogul teaches only the transmission of web page data comprising graphic image data, video data, and or audio data, and the adjustment of web page content by the reduction of data for each data type. Mogul does not teach or suggest the separation of multimedia data into audio media blocks and video media blocks. Nor does Mogul teach the determination of an optimal packet size and optimal packet interval for packets, and the transmission of the content using the optimal packet size and interval for the audio and video data media blocks. In Mogul, the web pages principally include graphic images, but can also include video or audio data. Mogul, however, does not teach that that multimedia data comprising the web page is separated into distinct audio and video media blocks and then transmitted using optimal packet sizes determined for the audio and video blocks based on the latency of the network.

Furthermore, claim 1, as amended, also recites adjusting the maximum bandwidth value based on the latency value by first transmitting only audio media blocks if the maximum bandwidth value is less than the latency value, and then transmitting a number of video media blocks if the adjusted maximum bandwidth level is greater than the latency value when only audio media blocks are transmitted. Mogul only teaches the reduction of content based on downsizing, filtering, or compressing the graphic, video or audio files within a web page if the web page content exceeds the effective bandwidth of the network path. Mogul does not teach or suggest sending only audio data if the amount of content exceeds the bandwidth of the network path, and then sending video data if excess bandwidth is available, as recited in amended claim 1.

In Mogul, there is no description with regard to the separation of multimedia content into audio and video components and then the transmission of only one component in the event of insufficient network bandwidth. Mogul only teaches the reduction of content (i.e., pixels or frames) for each type of data that may be included within a web page. This is markedly different than the present claimed method in which at least audio data is transmitted over a network path, and video data is transmitted to the extent that the bandwidth can accommodate the video data. Therefore, it is respectfully submitted that claim 1, as amended, is not rendered unpatentable under 35 U.S.C. § 102 in light of the cited reference.

With regard to claim 2, the Office Action states that Mogul et al teaches a system for sending and receiving multimedia transmissions between two or more clients wherein each client generates and received audio and video data, the system comprising: a server receiving the audio and video data from the connection to the first client for transmitting the audio and video data over a connection to second client.

By this Amendment, independent claim 2 has been amended to include elements similar to those in amended claim 1. Therefore, for the reasons stated above with respect to claim 1, it is respectfully submitted that the rejection of claim 2 under 35 U.S.C. § 102 has been overcome.

Applicants respectfully request that the above described amendments be made part of the official record in the present application, and respectfully submit that support for the claim amendments and any new claims is present in the specification, claims, and drawings as originally filed, and that no new matter has been added.

If there are any shortages, the Examiner is authorized to charge our Deposit Account Number 04-0822.

Respectfully submitted,  
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By:



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